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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,268	08/28/2001	Wolfgang Rempe	VAW-4	6261

21890 7590 06/17/2003

PROSKAUER ROSE LLP  
PATENT DEPARTMENT  
1585 BROADWAY  
NEW YORK, NY 10036

EXAMINER

LARSON, LOWELL A

ART UNIT	PAPER NUMBER
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3725

19

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/942,268

Applicant(s)

REMPE ET AL.

Examiner

Lowell A Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6 to 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 to 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. Claims 6, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellizzari in view of Price et al.

Pellizzari discloses bending and hydroforming a tube-shaped body having corrugations with intermediate annealing. Pellizzari advises that the corrugations may be formed by well known commercial methods.

Price et al. shows it is well known to form corrugations in annealed tubular bodies by mechanical reduction of the cross-sectional area, and advises that thinning of the material in the corrugations is kept to a low value.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the corrugations in the Pellizzari tube by mechanical reduction, in the manner shown by Price et al., in order to avoid thinning of the material to the detriment of the subsequent processing.

Applicant's remarks in the response filed May 6, 2003 have been noted but are considered to be moot in view of the new grounds of rejection.

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3. Claims 7, 9, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellizzari in view of Price et al. as applied to Claim 6 above, and further in view of Tada.

These claims require the mechanical working to be performed sequentially. Tada shows it is well known in the art to perform mechanical working of tubular bodies in stages. It would have been further obvious to one skilled in the art to perform the corrugating of the Pellizzari tube in stages with intermediate annealing, following the suggestion of Tada, if the material of the work is not sufficiently ductile to withstand the necessary deformation in a single forming step.

4. Claims 14, 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klaas et al. in view of Pellizzari.

Klaas et al. discloses forming a tubular body by mechanical expansion using actuated dies (see column 3, line 58 to column 4, line 2) followed by hydroforming to a final shape (see column 4, lines 26 to 28). Klaas et al. does not disclose how the starting tube is formed.

Pellizzari discloses butt-welded tube to be a suitable material for shaping into products by combined mechanical and hydroforming techniques along with suitable intermediate annealing.

It would have been obvious to one ordinarily skilled in the art to employ butt-welded tube for the forming of Klaas et al., along with suitable annealing, following the suggestion of Pellizzari, merely as the utilization of knowledge clearly present in the art and depending only on the characteristics desired in the product. It is noted that Klaas et al. suggests that the tube may be subjected to further processing as required by Claim 20. See column 5, line 14.

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5. Claims 15, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klaas et al. in view of Pellizzari as applied to Claim 14 above, and further in view of Tada.

Tada shows that it is well known to perform mechanical expansion of tubes in stages. It would have been further obvious to perform the Klaas et al. mechanical expansion in stages, following the teaching of Tada, in instances when the material is insufficiently ductile to be shaped in a single step.

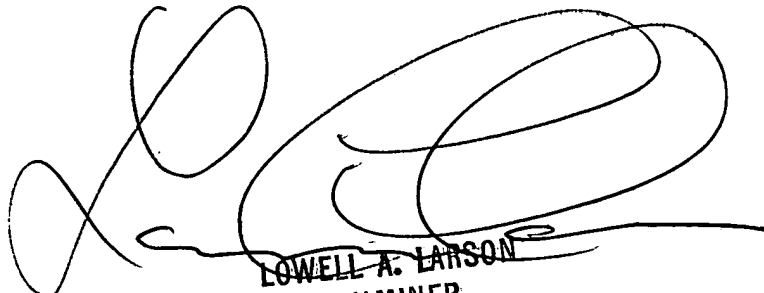
#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the undersigned Examiner whose telephone number is (703) 308-1873 and fax number is (703) 305-9835 (draft papers) or (703) 305-3579 (formal papers).



LOWELL A. LARSON  
EXAMINER

LAL

June 11, 2003